

2006—Pub. L. 109–241 inserted “if Congress so directs in the declaration” after “Upon the declaration of war”.

2002—Pub. L. 107–296 substituted “Department of Homeland Security” for “Department of Transportation”.

1976—Pub. L. 94–546 substituted “Executive” for “executive” and “Department of Transportation” for “Treasury Department”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107–296, set out as a note under section 101 of Title 10, Armed Forces.

§ 104. Removing restrictions

Any law removing for the duration of a war or national emergency proclaimed by the President any restriction contained in any then-existing law as applied to the Navy, including, but not limited to, restrictions relating to the manner in which purchases may be made and contracts awarded, fiscal operations, and personnel, shall, in the same manner and to the same extent, remove such restrictions as applied to the Coast Guard.

(Aug. 4, 1949, ch. 393, 63 Stat. 550, §652; renumbered §104, Pub. L. 115–282, title I, §103(b), Dec. 4, 2018, 132 Stat. 4195.)

HISTORICAL AND REVISION NOTES

This section is new and provides that any law removing for the duration of a war or national emergency any restriction contained in any then-existing law as applied to the Navy shall operate in the same manner to remove such restrictions as applied to the Coast Guard. Included are restrictions relating to the manner in which purchases may be made and contracts awarded, fiscal operations, and personnel. This provision is designed to enable the Coast Guard to operate as efficiently as the Navy Department in time of war or during a national emergency and would permit the Coast Guard more effectively to maintain itself in a state of military readiness during periods of emergency. Since the Coast Guard operates as part of the Navy in time of war, it is essential that its operations be as flexible and as efficient as those of the Department of which it is to be a part. This section would prevent inadvertent failures specifically to mention the Coast Guard in legislation of the type described in this section from hindering service operations. 81st Congress, House Report No. 557.

Editorial Notes

PRIOR PROVISIONS

A prior section 104 was renumbered section 528 of this title.

AMENDMENTS

2018—Pub. L. 115–282 renumbered section 652 of this title as this section.

§ 105. Secretary defined

In this title, the term “Secretary” means the Secretary of the respective department in which the Coast Guard is operating.

(Aug. 4, 1949, ch. 393, 63 Stat. 497, §4; May 5, 1950, ch. 169, §14(u), 64 Stat. 148; Pub. L. 89–444, §1(1), June 9, 1966, 80 Stat. 195; Pub. L. 112–213, title II,

§217(1), Dec. 20, 2012, 126 Stat. 1557; renumbered §105, Pub. L. 115–282, title I, §103(b), Dec. 4, 2018, 132 Stat. 4195.)

HISTORICAL AND REVISION NOTES

Subsections (a) and (b) are based on title 14, U.S.C., 1946 ed., §1 (Jan. 28, 1915, ch. 20, §1, 38 Stat. 800; July 11, 1941, ch. 290, §§5, 6(a), 55 Stat. 585).

Said section has been divided. The provisions relating to appropriations are in this section. The provisions relating to establishment of the Coast Guard are placed in section 1 of this title. The provisions relating to when the Coast Guard operates as a service in the Navy are placed in section 3 of this title.

The substantive changes relating to the availability of appropriations when the Coast Guard is transferred to the Navy were suggested by the Bureau of the Budget (July 11, 1941, ch. 290, §6 (a), 55 Stat. 585).

Subsection (c) is based on title 14, U.S.C., 1946 ed., §7 (Aug. 29, 1916, ch. 417, 39 Stat. 600).

Subsection (d) is derived from title 34, U.S.C., 1946 ed., §§355 to 356b (Feb. 4, 1919, ch. 14, §§2–5, 40 Stat. 1056; Aug. 7, 1942, ch. 551, §1, 56 Stat. 743).

Said sections authorized medals for presentation “. . . to any person who, while serving in any capacity with the Navy of the United States . . .”; inasmuch as this language includes the Coast Guard when it is operating under the Navy, this subsection entails no change in existing law.

Subsection (e) is based on title 34, U.S.C., 1946 ed., §228 (R.S. 1442; Feb. 28, 1942, ch. 11, 59 Stat. 9).

Inasmuch as R.S. 1442 cited above applies to the Navy and Marine Corps as well as the Coast Guard it is not scheduled for repeal but is being amended by section 6 of this act to eliminate reference to the Coast Guard.

Subsection (f) is based on title 14, U.S.C., 1946 ed., §3 (Aug. 29, 1916, ch. 417, 39 Stat. 600).

Said section has been divided. The provisions concerning applicability of Navy laws to Coast Guard personnel are placed in this section. The provisions of the provisos of title 14, U.S.C., 1946 ed., §3 are placed in section 571 of this title.

Changes were made in phraseology. 81st Congress, House Report No. 557.

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–282 renumbered section 4 of this title as this section.

2012—Pub. L. 112–213 amended section generally. Prior to amendment, section related to operation of Coast Guard as a service in the Navy.

1966—Pub. L. 89–444 made technical changes in subssecs. (d) and (e) by inserting “and” at end of subsec. (d) and substituting a period for “; and” at end of subsec. (e).

1950—Act May 5, 1950, repealed subsec. (f) which provided that personnel of the Coast Guard should be subject to the laws for the government of the Navy.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1950 AMENDMENT

Act May 5, 1950, ch. 169, §5, 64 Stat. 145, provided that the amendment made by that section is effective May 31, 1951.

§ 106. Commandant defined

In this title, the term “Commandant” means the Commandant of the Coast Guard.

(Added Pub. L. 115–232, div. C, title XXXV, §3531(a), Aug. 13, 2018, 132 Stat. 2320, §5; renumbered §106, Pub. L. 115–282, title I, §103(b), Dec. 4, 2018, 132 Stat. 4195.)